

IN THE WESTERN DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

CHARIS L. SEATON,)
vs. Plaintiff,)) No. 05-5047-CV-SW-FJG
FREEMAN HEALTH SYSTEM, and)
FREEMAN NEOSHO HOSPITAL,)
Defendants.)

ORDER

Currently pending before the Court is plaintiff's Motion for Default Judgment (Doc. # 7), plaintiff's Motion for a More Definite Statement (Doc. # 10) and plaintiff's Motion for a Jury Trial (Doc. # 11).

I. Motion for Default Judgment

Plaintiff initially moved for default judgment because she believed that the defendant had not timely filed a response. Plaintiff in her reply suggestions states that she was misinformed regarding whether defendants had timely filed an answer and now agrees that the Answer was timely filed. Accordingly, plaintiff's Motion for Default Judgment is hereby **DENIED** (Doc. # 7).

II. Plaintiff's Motion for a More Definite Statement

Plaintiff asks that the Court direct the defendants to provide a more definite statement with regard to their Answer because she states that she needs additional clarification with regard to the defenses raised.

Defendants respond that a Motion for a More Definite Statement is not permitted

with respect to an Answer under Fed.R.Civ.P. 12(e). Additionally, defendants state that the plaintiff's Motion should be denied because their Motion is neither vague or ambiguous. Plaintiff replies that she was seeking more detailed information so that she could adequately prepare for mediation.

The Court has reviewed the defendant's Answer and does not find that it is either vague or ambiguous. The proper vehicle for plaintiff to obtain information from the defendants is through discovery. Accordingly, plaintiff's Motion for a More Detailed Statement is hereby **DENIED** (Doc. # 10).

III. Motion to Permit Plaintiff the Right of Trial by Jury

Plaintiff has filed a motion seeking the right to a jury trial on her entire Complaint. Plaintiff states that in her original Complaint she made known her desire to have a jury trial, but that the case does not appear to have a jury designation. As set out in the Amended Scheduling and Trial Order, this case is set on the jury trial docket for August 7, 2006. Accordingly, plaintiff's Motion to Permit a Trial by Jury is hereby **DENIED** as **MOOT**.

Date: December 29, 2005
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge